

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF RICHMOND

JAMES MANFREDONIA,

Plaintiff,

-against-

BABE RUTH LEAGUE, INC., GREAT
KILLS BABE RUTH LEAGE, ANTHONY
SAGONA, ABC CORPORATIONS 1-10,
AND JOHN DOES 1-10.

Defendants.

Index No.

SUMMONS

To the above named Defendants:

YOU ARE HEREBY SUMMONED to serve a notice of appearance on the *Plaintiff* within twenty (20) days after the service of this summons, exclusive of the day of service (or within thirty (30) days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear, judgment will be taken against you by default for the relief demanded in the Complaint.

Richmond County is designated as the place for trial. The basis for venue is that the torts underlying this action occurred in Richmond County.

Dated: Roseland, New Jersey
August 14, 2019


BRADLEY L. RICE, ESQ.230 Park Avenue
Suite 1000

New York, New York 10029

Phone: (212) 551-1465

103 Eisenhower Parkway
Roseland, New Jersey 07068
Phone: (973) 618-0400
(Please respond to the NJ
Office)

TO: BABE RUTH LEAGUE, INC
1670 Whitehorse-Mercerville Rd.
Hamilton, New Jersey 08619

GREAT KILLS BABE RUTH LEAGE
11 Fieldway Avenue
Staten Island, New York 10308

ANTHONY SAGONA
114 Picadilly Dr.
Morganville, New Jersey

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF RICHMOND**

JAMES MANFREDONIA,

Plaintiff,

-against-

BABE RUTH LEAGUE, INC., GREAT
KILLS BABE RUTH LEAGUE, ANTHONY
SAGONA, ABC CORPORATIONS 1-10,
AND JOHN DOES 1-10.

Defendants.

Index No.

COMPLAINT & JURY DEMAND

Plaintiff, James Manfredonia, by and through his attorneys,
Nagel Rice LLP, hereby states as and for his complaint against
the defendants the following:

INTRODUCTION

1. This action arises out of the sexual molestation of Plaintiff, James Manfredonia, by defendant Anthony Sagona, while Mr. Manfredonia was a participant in Babe Ruth league baseball in Staten Island. In or around the age of thirteen, plaintiff was sexually molested and abused by Mr. Sagona, who at all relevant times, served as a coach and executive for the Great Kills Babe Ruth League. Mr. Manfredonia brings this action against the defendants for compensatory and punitive damages as a result of the defendants' acts and omissions.

JURISDICTION AND VENUE

2. This Court has jurisdiction over this action pursuant to CPLR § 301 because the Defendants either reside or conduct business in the State of New York. Alternatively, this Court has jurisdiction pursuant to CPLR § 302 because the tortious acts alleged herein took place within the State of New York, County of Richmond.

3. Venue is proper in this Court under CPLR § 503(a) because a substantial part of the events and omissions that give rise to this claim occurred in Richmond County.

PARTIES

4. Plaintiff James Manfredonia ("Plaintiff" or "Manfredonia") is an individual with a principal address of 15 Kerr Avenue, Lavalette, New Jersey.

5. Defendant Babe Ruth League, Inc. ("Babe Ruth") is a not-for-profit New Jersey corporation with a principal business address of 1670 Whitehorse-Mercerville Rd., Hamilton, New Jersey 08619. Babe Ruth is an international youth baseball and softball league that supervises over one million youth participants between the ages of four through eighteen, in over 60,000 individual teams in more than 11,000 individual leagues. Babe Ruth was created to permit boys ages 13-15 to continue playing baseball after the end of their little league careers. Babe Ruth issues charters to individual leagues and, upon information and belief, requires each

chartered league to abide by and comply with Babe Ruth's policies and procedures. Upon information and belief, Babe Ruth collects payments from each local league to support the general mission and goals of Babe Ruth League baseball.

6. Defendant Great Kills Babe Ruth League ("Great Kills") is a non-profit New York entity with a principal address of 11 Fieldway Avenue, Staten Island, New York 10308. Upon information and belief, Great Kills is a chartered Babe Ruth league and acts under the authority, policies, and procedures of Babe Ruth.

7. At all relevant times, Defendant Anthony Sagona ("Sagona") is an individual with a last known address, upon information and belief, of 114 Picadilly Dr., Morganville, New Jersey. During all relevant times, Sagona served as a volunteer baseball coach with Babe Ruth and Great Kills and a member of the board of directors for Great Kills.

8. At all relevant times, defendants ABC Corporations 1-10 (said names being fictitious, true identities presently unknown) are corporations, or other entities whose identities are presently unknown, but who may through discovery be found to be liable in whole or in part for all allegations contained in this Complaint.

9. At all relevant times, defendants John Does 1-10 (said names being fictitious, true identities presently unknown) are individuals whose identities are presently unknown, but who may

through discovery be found to be liable in whole or in part for all allegations contained in this Complaint.

FACTUAL ALLEGATIONS COMMON TO ALL COUNTS

10. In 1972, Sagona volunteered as a baseball coach for the Great Kills where he also served on the Great Kills board of directors. In his role as coach, Sagano acted as a parent and/or guardian for all of the children he was supervising.

11. In 1974, Manfredonia was thirteen years old and a participant in the Great Kills Babe Ruth League. Mr. Sagona was Mr. Manfredonia's baseball coach.

12. When entering the Babe Ruth league at age thirteen, the participants in the Great Kills league were placed on either a basic league team, which was for all participants, or select players could be named to the "upper league", which consisted of those players the coaches believed contained considerable skill.

13. Mr. Sagona was the coach of the upper league team in or around 1972-1977.

14. As coach, Mr. Sagona would often select individual players for "special projects." These projects were presented as unique opportunities for the players to receive special training and attention from Coach Sagona.

15. All players on the upper league viewed the special projects as an honor and strove to be selected for such projects

as it meant that the Coach believed the children were skilled baseball players.

16. Upon information and belief, other coaches, executives, and officers of Great Kills were aware of Coach Sagona's "special projects" and the one-on-one attention he gave to select members of his team.

17. In addition, upon information and belief, teammates of Manfredonia, parents of the team members, and coaches, executives, and officers of Great Kills witnessed Sagona inappropriately touch other children on various teams coached by Mr. Sagona.

18. In or around 1975, Coach Sagona selected Mr. Manfredonia, who was then thirteen years old, for a special project.

19. Mr. Manfredonia was excited about this opportunity and rode his bike to Coach Sagona's home at 19 Cromer St., Staten Island, New York.

20. Upon arriving at Coach Sagona's home, Manfredonia was invited by the Coach to go with him into the basement where upon Sagona proceeded to undress Manfredonia.

21. This conduct escalated as Sagona then masturbated Manfredonia. Following the completion of the sexual abuse, Manfredonia left the Coach's home.

22. Manfredonia does not currently recall whether he experienced other incidents of sexual abuse by Coach Sagona as such memories may have been repressed.

23. During the time period Manfredonia was abused, upon information and belief, volunteers, directors, and coaches within Great Kills were aware of the amount of alone time Sagona spent with Manfredonia and other children selected for special projects.

COUNT I
NEGLIGENCE
(Against Babe Ruth and Great Kills)

24. Plaintiff repeats and restates the allegations of all the preceding paragraphs as if set forth at length herein.

25. Defendants Babe Ruth and Great Kills owed Plaintiff a duty to use reasonable care to ensure the safety and well-being of each youth who attended and/or participated in sports programs managed, controlled, supervised or operated by these defendants.

26. Upon information and belief, defendants Babe Ruth and Great Kills had or should have had actual and/or constructive knowledge that Sagona was a sexual predator and was sexually abusing Manfredonia.

27. Defendants Babe Ruth and Great Kills took no steps to prevent or stop Sagona's abuse of Manfredonia.

28. As a direct and proximate result of the negligence and carelessness of the defendants Babe Ruth and Great Kills, John Does 1-10 and ABC Entities 1-10, Manfredonia sustained severe and

permanent injuries, including but not limited to pain, suffering, emotional and psychological trauma and humiliation.

WHEREFORE, Plaintiff Manfredonia demands judgment against defendants Babe Ruth and Great Kills, jointly and severally, or in the alternative for damages, punitive damages, interest, costs of suit, attorney's fees, and such other relief as the Court deems just and equitable.

COUNT II
NEGLIGENT HIRING, SUPERVISION, AND RETENTION
(Against Babe Ruth and Great Kills)

29. Plaintiff repeats and restates the allegations of all the preceding paragraphs as if set forth at length herein.

30. At all relevant times Sagona was a coach and executive in Great Kills, approved and authorized by the Babe Ruth and Great Kill to supervise, mentor, and care for teenage males.

31. The positions for which Sagona was retained required him to work closely with, mentor, and counsel, young boys.

32. At all relevant times, Defendants Babe Ruth and Great Kills had the duty to hire, properly train, oversee, and supervise Sagona.

33. Defendants Babe Ruth and Great Kills breached the aforesaid duty, and their actions and inactions damage Plaintiff.

34. As a direct and proximate result of the negligence and carelessness of the defendants Babe Ruth and Great Kills, John Does 1-10 and ABC Entities 1-10, Manfredonia sustained severe and

permanent injuries, including but not limited to pain, suffering, emotional and psychological trauma and humiliation.

WHEREFORE, Plaintiff Manfredonia demands judgment against defendants Babe Ruth and Great Kills, jointly and severally, or in the alternative for damages, punitive damages, interest, costs of suit, attorney's fees, and such other relief as the Court deems just and equitable.

COUNT III

**FAILURE TO WARN AND IMPLEMENT ADEQUATE CHILD SEX ABUSE POLICIES
(Against Babe Ruth and Great Kills)**

35. Plaintiff repeats and restates the allegations of all the preceding paragraphs as if set forth at length herein.

36. At all times relevant the defendants Babe Ruth and Great Kills failed to exercise reasonable care and failed to take reasonable precautions for the safety and well-being of the participants in Babe Ruth baseball, including, but not limited to Manfredonia.

37. At all times relevant the defendants Babe Ruth and Great Kills failed to enact and/or enforce adequate written and/or verbal policies, procedures, and regulations to educate, identify, prevent, and stop child sexual abuse from occurring to the children under the defendants' care.

38. Defendants Babe Ruth and Great Kills were negligent and breached the aforesaid duties, and their actions and inactions were unreasonable.

39. Defendants Babe Ruth's and Great Kills' actions and inactions, including but not limited to their failure to take appropriate remedial action to prevent and/or address the aforesaid conduct, failure to have an appropriate written procedure to prevent and/or address said conduct, and failure to propound and disseminate policies to educate, identify, prevent, and stop child sexual abuse from occurring, were negligent, improper and careless.

40. As a direct and proximate result of the negligence and carelessness of the defendants Babe Ruth and Great Kills, John Does 1-10 and ABC Entities 1-10, Manfredonia sustained severe and permanent injuries, including but not limited to pain, suffering, emotional and psychological trauma and humiliation.

WHEREFORE, Plaintiff Manfredonia demands judgment against defendants Babe Ruth, and Great Kills, jointly and severally, or in the alternative for damages, punitive damages, interest, costs of suit, attorney's fees, and such other relief as the Court deems just and equitable.

COUNT IV
RESPONDEAT SUPERIOR
(Against Babe Ruth and Great Kills)

41. Plaintiff repeats and restates the allegations of all the preceding paragraphs as if set forth at length herein.

42. In or around the age of thirteen, Sagona sexually molested Manfredonia while Sagona was a coach and executive of Great Kills.

43. It was part of Mr. Sagona's role as a coach to serve as a mentor, role model, and counselor to the children under his care. It was also part of Mr. Sagona's roles at Great Kill to gain the trust of the children under his care, including Manfredonia.

44. Sagona used his positions with Great Kills and Babe Ruth, and the power vested in him by Great Kill and Babe Ruth, to gain Manfredonia's trust and confidence and to create opportunities to be alone with and abuse Manfredonia.

45. The Babe Ruth and Great Kill are liable for Sagona's sexual abuse of Manfredonia under the doctrine of *respondeat superior*.

46. As a direct and proximate result, Manfredonia sustained severe and permanent injuries, including but not limited to pain, suffering, emotional and psychological trauma and humiliation.

WHEREFORE, Plaintiff Manfredonia demands judgment against defendants Babe Ruth, and Great Kills, jointly and severally, or in the alternative for damages, punitive damages, interest, costs of suit, attorney's fees, and such other relief as the Court deems just and equitable.

COUNT V
ASSAULT AND BATTERY
(Against Sagona)

47. Plaintiff repeats and restates the allegations of all the preceding paragraphs as if set forth at length herein.

48. Sagona's sexual abuse of Manfredonia when Manfredonia was a minor was extreme, intentional and outrageous conduct, beyond all possible bounds of decency, atrocious and intolerable in a civilized community.

49. Sagona's sexually abusive conduct against Manfredonia constitutes an intentional, unwarranted physical touching and intrusion into Manfredonia's personal space, his physical well-being, and psychological state.

50. As a direct and proximate result of the intentional conduct of Sagona, Manfredonia sustained severe and permanent injuries, including but not limited to pain, suffering, emotional and psychological trauma and humiliation.

WHEREFORE, Plaintiff Manfredonia demands judgment against defendant Sagona, or in the alternative for damages, punitive damages, interest, costs of suit, attorney's fees, and such other relief as the Court deems just and equitable.

COUNT VI
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS
(Against Sagona)

51. Plaintiff repeats and restates the allegations of all the preceding paragraphs as if set forth at length herein.

52. Sagona's sexual abuse of Manfredonia when Manfredonia was a minor was extreme and outrageous conduct, beyond all possible

bounds of decency, atrocious and intolerable in a civilized community.

53. At the time Sagona sexually abused and molested Manfredonia, which Sagona knew would cause, or disregarded the substantial probability that it would cause, severe emotional distress.

54. As a direct and proximate result of the intentional conduct of Sagona, Manfredonia sustained severe and permanent injuries, including but not limited to pain, suffering, emotional and psychological trauma and humiliation.

WHEREFORE, Plaintiff Manfredonia demands judgment against defendant Sagona, or in the alternative for damages, punitive damages, interest, costs of suit, attorney's fees, and such other relief as the Court deems just and equitable.

COUNT VII
NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS
(Against All Defendants)

55. Plaintiff repeats and restates the allegations of all the preceding paragraphs as if set forth at length herein.

56. All Defendants owed a duty to Manfredonia, by virtue of his status as a minor and participant in the baseball leagues organized, sponsored, supervised, and or run by defendants Babe Ruth and/or Great Kills.

57. It was part of Mr. Sagona's role as a coach to serve as a mentor, role model, and counselor to the children under his care.

It was also part of Mr. Sagona's role Great Kills to gain the trust of the children under his care, including Manfredonia.

58. Sagona used his positions with Great Kills and Babe Ruth, and the power vested in him by Great Kills and Babe Ruth, to gain Manfredonia's trust and confidence and to create opportunities to be alone with and abuse Manfredonia.

59. Sagona breached his duty to Manfredonia by sexually abusing Manfredonia.

60. Defendants Babe Ruth and Great Kills breached their duties to Manfredonia through their negligent retention, supervision, failure to warn, and other actions and inactions that permitted Sagona to abuse Manfredonia.

61. As a direct and proximate result of the negligent conduct of the defendants Babe Ruth, Great Kills, Sagona, John Does 1-10 and ABC Entities 1-10, Manfredonia sustained severe and permanent injuries, including but not limited to pain, suffering, emotional and psychological trauma and humiliation.

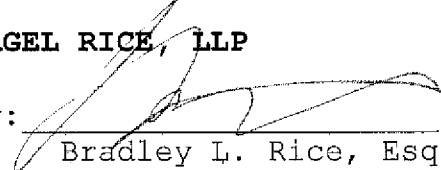
WHEREFORE, Plaintiff Manfredonia demands judgment against defendants Babe Ruth,, Great Kills, and Sagona jointly and severally, or in the alternative for damages, punitive damages, interest, costs of suit, attorney's fees, and such other relief as the Court deems just and equitable.

JURY DEMAND

62. Plaintiff demands a trial by jury of all issues.

Dated: Roseland, New Jersey
August 14, 2019

NAGEL RICE, LLP

By: 
Bradley L. Rice, Esq.
230 Park Avenue
Suite 1000
New York, New York 10029
Phone: (212) 551-1465

103 Eisenhower Parkway
Roseland, New Jersey 07069
Phone: (973) 618-0400
(Please respond to the NJ
Office)
*Attorneys for Plaintiff James
Manfredonia.*